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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,516	05/23/2000	Xin Qiu	018926-002110US	4301
43471	7590	06/05/2008		
Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196			EXAMINER PYZOCHA, MICHAEL J	
			ART UNIT 2137	PAPER NUMBER
			NOTIFICATION DATE 06/05/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
APT099@motorola.com

Office Action Summary

Application No.

09/576,516

Applicant(s)

QIU ET AL.

Examiner

MICHAEL PYZOCHA

Art Unit

2137

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- 7) ☐ Paper No(s)/Mail Date: _____

DETAILED ACTION

1. Claims 1-19 are pending.
2. In view of the Pre-Appeal brief request filed on 05/21/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Emmanuel L Moise/ SPE

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski et al. (US 5870474) in view of Chen et al. (US 6324646).

As per claim 1, Wasilewski et al. discloses a method of providing varying levels of security in a data processing system, the method comprising: receiving information from an outside source; retrieving a first indicator from the received information that instructs the system to operate at a first level of security (i.e. a first encryption/decryption key) (see column 11 lines 10-23 where the MSK contains the decryption key for the encrypted content); continuing operation of said processing system at this level (see column 11 lines 10-23 and column 2 lines 53-67 where the processing continues until the user requests a different program); receiving further information from said outside source; retrieving a separate

second indicator from said further information, the second indicator for instructing the system to operate at a different security level than the first indicator (see column 11 lines 10-23 and column 2 lines 53-67 where, when a user selects a different program, a different EMM is sent containing a different decryption key for the different program); receiving an encrypted message that authorizes the system to operate at the different level of security; authenticating the encrypted message (see column 11 lines 34-50); and preventing the operation at the different level of security until indicated by the second indicator and the encrypted message (see column 11 lines 10-50 where the program cannot be decrypted until the EMM is received and verified).

Wasilewski et al. fails to explicitly disclose that the second indicator received from the outside source instructs the system to move from a higher level to a lower level.

However, Chen et al. teaches including information from a source to vary the security level (see column 6 lines 6-43 and figures 4, 5, and 6 with their corresponding descriptions).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to change the level of security in Wasilewski et al. from a higher level to a lower level based on the indicator from an outside source.

Motivation to do so would have been to provide more flexibility in the security system (see Chen et al. column 6 lines 26-43)

As per claims 2-5, the modified Wasilewski et al. and Chen et al. system discloses a decreased security authorization code authorizing a decrease in the encryption/decryption levels and a decrease in the authentication level (see Wasilewski et al. column 11 lines 10-50 and Chen et al. column 6 lines 6-43).

As per claim 6, the modified Wasilewski et al. and Chen et al. system discloses wherein said encrypted message further comprises a key for use in a decryption algorithm (see Wasilewski et al column 11 lines 10-50).

As per claims 7 and 19, the modified Wasilewski et al. and Chen et al. system stores a master key (i.e. unique user key) to decrypt messages includes new decryption key values and using said master key stored at said system to decrypt said encrypted message (see Wasilewski et al. column 11 lines 10-50).

As per claim 8-12, the modified Wasilewski et al. and Chen et al. system discloses establishing a Security-Level-status-Indicator at said system to indicate a level of encryption/decryption and authentication that is being implemented (see Wasilewski et al. column 11 lines 10-50).

As per claim 13, the modified Wasilewski et al. and Chen et al. system discloses utilizing a cable head-end as said outside source including a set-top box (see Wasilewski et al. column 3 lines 43-52).

As per claims 14-17, the modified Wasilewski et al. and Chen et al. system discloses using a Key Management Message to convey said Decreased Security Authorization Code; wherein delivery of said Key Management Message is authenticated; wherein delivery of said Key Management Message is protected against a replay attack; wherein delivery of said Key Management Message is authenticated and protected against a replay attack (see Wasilewski et al. column 11 lines 10-50).

As per claim 18, the modified Wasilewski et al. and Chen et al. system discloses wherein a lower level of security is nonpublic Key mode, wherein a higher level of security is a public Key mode, continuing operation of the system in the public Key mode until an encrypted predefined message is received by the system from the outside source (see Wasilewski et al. column 11 lines 10-50 and Chen et al. column 6 lines 6-43).

Response to Arguments

5. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137